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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,863	01/30/2004	Patrick R. Lancaster III	2906.0359-00	2966
22852	7590	04/08/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
TAWFIK, SAMEH				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,863

Applicant(s)

LANCASTER ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50, 53-55 and 119-174 is/are pending in the application.
- 4a) Of the above claim(s) 131-134 and 172 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50, 53-55, 119-143, 145-149, 151-158, 160-163, 165-171, 173 and 174 is/are rejected.
- 7) ☒ Claim(s) 144, 150, 159 and 164 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/28/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on 01/28/2008, PROSECUTION IS HEREBY REOPENED. A new round of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Rinaldi I Rada/
Supervisory Patent Examiner, Art Unit 3721

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50, 53-55, 119-130, 135-143, 145-149, 151-158, 160-163, 165-171, 173, and 174 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thimon (U.S. Patent No. 5,040,359) in view of Matsumoto (U.S. Patent No. 5,195,296) and further in view of Casteel et al. (U.S. Patent No. 4,807,427).

Thimon discloses a method for wrapping a load with a film web during a wrapping cycle, comprising; dispensing a film web from a film dispenser (Figs. 1 and 5); providing relative rotation between the load and the dispenser during the wrapping cycle to wrap the film web around the load (Figs. 1-4); and during a first portion of the wrapping cycle, driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation (Figs. 9 and 13; via rods 37 and 38); note that it is inherent the web has to be driven in order to be feed through the machine, with at least one of an upstream guide roll and a downstream guide roll (Fig. 5; via rollers 62, 63, 37, and 38 or other rollers to drive the web); during a second portion of the wrapping cycle, moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration (Figs. 9 and 13).

Thimon does not disclose driving the film web through rotation of at least one of the guide roller. However, Matsumoto discloses a similar method of wrapping a load with a film web with the use of driven rollers (via rollers 3 and 3' driven by driving unit 8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Thimon's rods (37 and 38) by the use of driven rollers, as suggested by Matsumoto, in order to stretch the film before wrapping a load and thereby tightening the load in both the vertical and horizontal directions with the film (column 1, lines 43-45).

Thimon does not disclose the step of rolling a portion of the web into a cable to support the load. However, Casteel, discloses a similar method of wrapping a load with the step of rolling a portion of the web into a cable (Figs. 1, 2, and 4; via grooved element 33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon in view of Matsumoto's method by having the step of rolling a portion of the web into a cable, as suggested by Casteel, in order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Regarding claims 120 and 130: Thimon discloses that wherein driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation includes driving at least a portion of the film web to an elevation below a top of the pallet supporting the load (Figs. 3 and 4; via the wrapping web covering below a top portion of pallet 2a).

Regarding claims 121-123 and 127: Thimon in view of Matsumoto does not disclose wherein rolling a portion of the film web into the cable includes selectively engaging an edge portion of the film web with at least one roping element to roll the edge portion of the film web into a rolled cable of film. However, Casteel, discloses the step of rolling a portion of the film web into the cable includes selectively engaging an edge portion of the film web with first and second roping elements to roll the edge portion of the film web into a rolled cable of film (Figs. 1, 2, and 4; via grooved rollers 33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon in view of Matsumoto's method by having the step of rolling a portion of the web into a cable by using at least first and second roping elements adjacent to the guide rolls to roll the edge portion of the film web, as suggested by Casteel, in

order to strengthen the edges of the wrapping film to hold tide into the loaded containers (column 1, lines 35-40).

Regarding claims 124 and 135: Thimon discloses that wherein moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration includes changing an angle at which at least one of the upstream and downstream guide rollers is tilted from a first angle to a second angle, different from the first angle (Figs. 2-4; via pivoting elements 37 and 38).

Regarding claims 125 and 136: Thimon discloses that wherein moving at least one of the upstream and downstream guide rollers from a film drive down configuration to a non- drive down configuration includes disengaging the at least one of the upstream and downstream guide rollers from the film web as it extends in a film path between the dispenser and the load, see for example (Figs. 2-4).

Regarding claims 126 and 137: Thimon discloses that wherein a bottom portion of the load is wrapped during the first portion of the wrapping cycle, see for example (Figs. 1-5).

Regarding claims 128 and 138: Thimon discloses that wherein rolling a portion of the load other than the bottom portion is wrapped during the second portion of the wrapping cycle, see for example (Figs. 1-5).

Regarding claim 53: Thimon in view of Matsumoto and further in view of Casteel do not disclose the step of coating at least one of the upstream and downstream guide rollers. However, the examiner takes an official notice that such guiding rollers to guide a web is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have coated Thimon's guiding rollers, as a matter of engineering design choice, in order to smooth rolling and conveying the web and to avoid any crumple to the web.

Regarding claims 139 and 140: Thimon discloses that the upstream guide roller and the downstream guide roller are tilted in opposite directions when in the film drive down configuration, see for example (Figs. 2-4; via 37 and 38 are tilted in opposite directions as they are located opposite to each other).

Regarding claims 141-143, 145-149, 151-158, 160-163, 165-171, 173, and 174: Thimon in view of Matsumoto and further in view of Casteel do not disclose the step of adheringly engaging portion of the film web with one of the guide rollers, coating at least one of the upstream and downstream guide rollers, nor frictionally engaging portion of the film web with a surface of the at least one of the guide rollers.

However, the examiner takes an official notice that such rollers to guide/feed a web to be coated in order to avoid slipping of the web and avoid friction with the rollers is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have coated Thimon's guiding rollers, as a matter of engineering design choice, in order to smooth rolling and conveying the web and to avoid any crumple to the web.

Alternatively, claims 141-143, 145-149, 151-158, 160-163, 165-171, 173, and 174 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thimon (U.S. Patent No. 5,040,359)

in view of Matsumoto (U.S. Patent No. 5,195,296) and Casteel et al. (U.S. Patent No. 4,807,427) and further in view of Dorfel (U.S. Patent No. 5,240,198).

Thimon as modified by Matsumoto and further by Casteel do not disclose the step of adheringly engaging portion of the film web with one of the guide rollers, coating at least one of the upstream and downstream guide rollers, nor frictionally engaging portion of the film web with a surface of the at least one of the guide rollers. However, Dorfel discloses a feeding/winding coated roller (column 3, lines 35-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Thimon as modified by Matsumoto and Casteel's rollers by having a coated rollers, as suggested by Dorfel, in order to increase the coefficient of friction between the roller mantle and the paper or other sheet material to transfer greater circumferential forces to the roll without increasing the contact pressure (column 3, lines 38-43).

Allowable Subject Matter

Claims 144, 150, 159, and 1645 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/
Primary Examiner, Art Unit 3721

ST.